



Docket No.: DEV07001USU  
Serial No.: 10/804,598

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Santomassimo et al.

DOCKET NO.: DEV07001USU

SERIAL NO.: 10/804,598

GROUP ART UNIT: 3764

DATE FILED: March 19, 2004

EXAMINER: Richman, Glenn E.

CONFIRMATION NO.: 9559

TITLE: USER INTERFACE FOR A RESISTANCE TRAINING DEVICE AND METHOD OF USE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 15, 2008.

*Bonnie S. Sheridan*  
\_\_\_\_\_  
Bonnie S. Sheridan

August 15, 2008

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. 1.56, 1.97, and 1.98, Assignee's undersigned attorney brings to the attention of the Patent and Trademark Office the documents listed on the attached Form PTO-1449.

This information is being submitted under 37 CFR § 1.97(c) subsequent to the later of three months after the filing date of the present application or the mailing of the first Office Action on the merits, but before the mailing of a Final Action or the Notice of Allowance. A fee as prescribed by 37 CFR § 1.97(c)(2) and 1.17(p) accompanies this transmittal.

Submission of these documents is consistent with the broadest interpretation of the duty of disclosure. In accordance with the rule for patent prosecution, such a submission is not to be construed as an admission that the information cited in the Information Disclosure Statement is, or is considered to be, material to patentability as defined in §1.56. Assignee respectfully reserves the

180.00 op

08/19/2008 RHEBAHT 00000009 10804598  
02 FC:1806

right to challenge a conclusion that any of the submitted material represents information constituting prior art to the present application or that the information that Assignee has located would be of the type used by one of ordinary skill in the art in solving the problems addressed in the present application. The submission of these materials is consistent with the duty of disclosure and should not be interpreted as an indication the Examiner should not undertake to conduct an independent prior art search.

A Copy of Form PTO-1449, as well as the non-patent document cited as a reference is enclosed with this transmittal. The date of creation of the document submitted with this Information Disclosure Statement is after the filing date of the present application. However, this document is the product of the Assignee regarding the status of various products in the marketplace before the filing date of the present application and should be treated as Admitted Prior Art.

Although it is believed that the appropriate fees are submitted with this transmittal, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542.

Early passage of the subject application to issue is earnestly solicited.

Respectfully submitted,

THE ECLIPSE GROUP LLP

Date: August 15, 2008

By:



Kevin E. Flynn  
Registration No. 37,325  
**The Eclipse Group LLP**  
5003 Southpark Dr., Suite 260  
Durham, NC 27713  
Phone: (919) 313-6162  
Fax: (919) 313-6170

Customer No. **34408**